

FILED

January 4, 2023

JAN 04 2023 SMB

RE: 1:21-cv-04336

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Dear Honorable Judge Virginia Kendall:

I hope this finds you, and your beautiful Burmese Mountain dogs Birdie and June Bug enjoying life and a great start to the New Year!

Attached herewith I have provided a copy of the following at your request:

- A copy of my Amended Complaint.
- A copy of the “discrimination occurred, when it occurred and by whom.” Concerning the “whom” part, the names of those involved at Hines are listed and mentioned in the complaint. The discrimination happened by the employees mentioned in the complaint that worked at Lincoln Commons which was owned and managed by Hines and the company that I worked for at the time.
- A copy of the charged filed with the EEOC is attached.

Also, may I please request an opportunity revisit the conversation regarding the motion for attorney representation that was denied by the previous judge presiding over my case?

I am a single householder, living in a 296 square foot apartment in Uptown, and only have enough savings to repair my 18-year-old vehicle and cannot afford to hire an attorney to represent me. I lost all of my closest family members and cannot turn to them for financial assistance in the matter.

Lastly, this is a case that goes far beyond discrimination and involves constant and egregious acts of harassment, retaliation, a false and wrongful employee performance plan, damage to my vehicle in the employee parking lot, and ultimately, my termination.

Thank you for your time and reconsideration in the matter.

Respectfully,

Michelle Ibanez

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

FEPA

EEOC

Agency(ies) Charge
No(s):

440-2021-02625

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

State or local Agency, if any

and EEOC

Name (indicate Mr., Ms., Mrs.)

MICHELLE IBANEZ

Home Phone

(773) 439-0249

Year of Birth

1968

Street Address

City, State and ZIP Code

5320 N. SHERIDAN, UNIT 807, CHICAGO, IL 60640

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

HINES

No. Employees, Members

501+

Phone No.

(713) 966-7710

Street Address

City, State and ZIP Code

2800 POST OAK BLVD, HOUSTON, TX 77056

Name

No. Employees, Members

Phone No.

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

<input checked="" type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input checked="" type="checkbox"/> SEX	<input type="checkbox"/> RELIGION	<input type="checkbox"/> NATIONAL ORIGIN
<input checked="" type="checkbox"/> RETALIATION	<input checked="" type="checkbox"/> AGE	<input checked="" type="checkbox"/> DISABILITY	<input type="checkbox"/> GENETIC INFORMATION	
<input type="checkbox"/> OTHER (Specify)				

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

06-01-2019 02-01-2020

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in or around June 2019. My most recent position was Concierge. During my employment I was subjected to harassment and sexual harassment. I reported the harassment to no avail. Subsequently, I was subjected to a hostile work environment. In or around February 2020, I was discharged.

I believe that I have been discriminated against because of my sex, female, race, Mixed, and in retaliation, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I believe that I have been discriminated against because of my disability, and in retaliation, in violation of the Americans with Disabilities Act of 1990, as amended.

I believe that I have been discriminated against because of my age, 52 (Year of birth:1968), and in retaliation, in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

**Digitally signed by Michelle Ibanez on 05-07-2021
05:55 PM EDT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an

investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

AMENDED
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAY 06 2022 *JKW*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

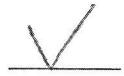
(Enter above the full name
of the plaintiff or plaintiffs in
this action)

HINES Interest Limited Partnership vs. Case No: 1:21-cv-04336
C/o Jeffrey C. Hines
(To be supplied by the Clerk of this Court)

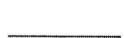
(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

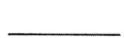
AMENDED COMPLAINT



COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)



COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)



OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

1:21 CV-04336

AMENDED

I. Plaintiff(s):

- A. Name: Michele Hernandez
- B. List all aliases: _____
- C. Prisoner identification number: _____
- D. Place of present confinement: _____
- E. Address: _____

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: JAY BUNNELL
Title: Senior Manager Interest
Place of Employment: HINES (Limited Partnership)
- B. Defendant: Jeffrey C. Hines
Title: Co-Chief Executive Officer
Place of Employment: HINES (Interest Limited Partnership)
- C. Defendant: Mike Schaefer
Title: General Manager
Place of Employment: HINES (Interest Limited Partnership)

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

AMENDED

1:21-cv-04336

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

A. Name of case and docket number: 1:21-cv-04336

B. Approximate date of filing lawsuit: August 13, 2021

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Michelle Tinez Ibarez

D. List all defendants: JAY BENNETT, Jeffrey C. Hines, Michael Hochhauser

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United States District Court for the Northern District of Illinois, Eastern Division

F. Name of judge to whom case was assigned: Judge Robert M. Dow Jr.

G. Basic claim made: Employment discrimination based on disability, sex, race, age, failed to stop harassment, reasonable accommodation, disability, retaliation, and failed to stop hostile work environment

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending

I. Approximate date of disposition: May 16th, 2022

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

AMENDED 1:21-cv-04336p

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I WAS EMPLOYED WITH HILTONS ON JUNE 17, 2019
AS A CONCIERGE. I WAS TERMINATED ON FEBRUARY
12TH, 2020 BY JAY BENNETT AND MIKE HORNBLER.

Shortly after I began my employment with Hiltons I began to experience sexual harassment, constant + daily harassment, unwanted remarks about my body, face and inappropriate behavior from numerous employees and discriminatory behavior towards me such as treating me differently than other Caucasian etc. individuals at this place of employment. Several employees harassed me on almost a daily basis - following me around constantly dumping work on me that was not my responsibility - making sexual innuendos/remarks on me sitting in my vehicle in the employee garage, spraying harsh + profuse amounts of toxic cleaning chemicals on my personal documents, my personal belongings + my workspace - causing my lungs to experience difficulty breathing, anxiety attacks, PTSD episodes

Revised 9/2007

and eventually having to take several months off of work due to a total nervous breakdown. One employee, the director of security Luis Lopez would be libertly speak up behind me by making loud & abrupt sounds which was highly disturbing & frightening.

I experienced fat-toko's body remarks, negative comments & remarks that were son & sex related for months. Although I took showers every day, I was told I smell and my sperm is not was going down and sniffing no. I constantly reported this everything that was occurring to my manager Mike Hochauer who retaliated against me, did not make reasonable accommodations and failed to stop the harassment & created & perpetuated a hostile work environment. I then reported all of this to Jay Bennett who was in the office time. That is when Mike Hochauer retaliated against me again more and when he and Jay Bennett worked together to terminate me. They failed to stop the discrimination to reasonably accommodate my disabilities. ⁵ A failed to stop the harassment & failed do what was right!

Case: 1:21-cv-04336

(IV) continued

I reported all of this to the top person in HR at Hines, Mr. Jay Bennett and he did nothing to stop the retaliation, the discriminator acts like sexual harassment/harassment. Jay Bennett sided with my boss Mike Hochauer who was the main person involved in the retaliation against me.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

AMENDED 1:21-cv-04336

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PLEASE help me to receive JUSTICE AND THE APPROPRIATE
COMPENSATION FOR THE SENSATIONAL WAY THAT I WAS TREATED AS
A HUMAN BEING + EMPLOYEE AND FOR THE INHUMANE AMOUNT I SUFFERED
AS A RESULT OF DISCRIMINATION, SEXUAL HARASSMENT, HUMILIATION, LOSS OF EMPLOYMENT
& EXTREME RETALIATION AGAINST ME BY THIS EMPLOYER

VI. The plaintiff demands that the case be tried by a jury. YES NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 6th day of May, 2022

(Signature of plaintiff or plaintiffs)

(Print name)

(I.D. Number)

5815 N Sheridan Road Apt. #15

Chicago IL 60660

(Address)

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Plaintiff)
v.)
Defendant)

United States District Court
Northern District of Illinois

COMPLAINT

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

AMENDED

Case No: 1:21-CV-04336

Paragraph 13

1. Hines failed to accommodate my disability regarding difficulty breathing around toxic chemicals and perfumed fragrances which caused a reaction in my lungs and caused anxiety and panic attacks at work. While I was employed with Hines from June 17th, 2019-February 12, 2020 I made it known to my boss Mike Hochauser that I was having extreme difficulty breathing when certain co-workers would "maliciously" (in Mike Hochhauser's words) spray unnecessary, highly-toxic, and profuse amounts of cleaning agents, chemical and perfumes around my work station, on my documents, inside of my desk drawers, constantly in the air where I worked, and on my personal belongings. Instead of having a talk with the culprits and putting a stop to this – or instead of making a reasonable accommodation by moving my desk to a different area etc., nothing was done to accommodate, and nothing was done to put a stop to this. It resulted in me having such great difficulty breathing, stress, panic attacks, and high levels of anxiety and being put on medication to help with my breathing. I made Mike Hochauser and Jay Bennett aware of this and so they had knowledge of my disability. I contacted Jeffrey C. Hine's secretary directly on a couple of occasions, explained to her what was going on, however, both Jeffrey C. Hines and his personal secretary remained unresponsive in the matter.
2. Hines failed to accommodate my disability regarding having PTSD and suffering from anxiety, when I reported to both my manager and Mike Hochauser, supervisor Jessica Ortiz, and Jay Bennett in HR about how the deliberate, startling, abrupt, and loud clapping and banging sound that Luis Lopez – the Director of Security – would come out of nowhere and at times from behind me were so disturbing to me that I would breakout in tears and become visibly upset, they would do nothing to put a stop to this kind of harassment.
3. Regarding sex discrimination, harassment, and sexual harassment, I was subjected to this on almost a daily basis by coworkers Steve Sink, Maressa Monroe, Oscar, others and – especially by a coworker named Shattara Morgan,. Shattara constantly harassed me about why I was allowed to be hired as a Concierge, she wanted me to teach her how to be a Concierge, she made daily unwanted sexual and inappropriate remarks and sexual innuendos directly to me and displayed an extremely hostile attitude towards me. Her and another coworker named Eve sprayed toxic chemicals and perfumes around me on a daily basis while at work and maliciously sprayed down my personal belongings. Even though I spoke with them directly and my boss Mike Hochauser about all of what was going on where this was concerned, Mike Hochauser and Jay Bennett allowed this behavior to be directed towards me and did nothing to stop the harassment/sexual harassment. There was also an incident wherein an employee by the name of Steve Sink was allowed to continually harass me by following me around the building at work, following me to my desk, bombarding me with requests, dumping work on me that did not belong to me, berating me in front of my colleague and guests, screaming at me, slamming his office door and throwing me out of his office and reducing me to tears.

AMENDED

Case No: 1:21-CV-04336

Paragraph 13 Continued

When I reported it to my supervisor Jessica Ortiz she did nothing about it. And essentially, my boss Mike Hochauer retaliated against me when I reported it to him and someone named Carly Stevenson. Mike retaliated by trying to have me terminated within 12 days after reporting this to him instead of reprimanding Steve Sink for his harassing, terrible, and egregious behavior towards me.

4. Concerning race discrimination and how I was treated differently, this was evident by the way all of the black coworkers treated me as a multi-racial person. All of the black women I worked with treated other black women with respect, in a friendly manner, and with professionalism but I was treated differently as described in paragraph 3. Coworker Maressa Monroe, a black woman, treated me differently than the other black workers and also harassed me. She was extremely adversarial, unfriendly and disrespectful towards me and repeatedly made fat jokes and unfavorable body remarks towards me. She and the other black women I worked with were highly uncooperative and adversarial towards me. And remarks and questions were made about what race was I by several coworkers? Coworker Alli Schwartz, a Caucasian women, was one of the worst offenders, she treated me and other ethnic minorities as if they were totally beneath speaking to and interacting with. This was evident by her refusal to speak with me, refusal to respond and work cooperatively with me, humiliating me in front of her visitors and guests, and treating me in a disrespectful and condescending manner. When I reported this to my boss Mike Hochauer and Jay Bennett from HR, Alli Schwartz retaliated against me by maintaining a hostile, unfriendly, uncooperative, and unprofessional working relationship with her – although she was just the opposite with others. I reported this to Mike Hochauer and Jay Bennett who allowed this behavior to be directed towards me and did nothing to stop it – thus creating an extremely hostile work environment.
5. Concerning age discrimination I am 53 years old and was older than almost everyone on me team, including my boss Mike Hochauer. One employee whom I offered to help with moving some packages which looked heavy (I forgot his name) retorted: "I don't need your help, you're old and I'm young. Another coworker named Oscar with security, was always asking me age-related questions in an aim to find out my age. And Mike Hochaser, left a picture of my drivers license out in the open on his desk for about a week or so for every coworker entering is office to see instead of securing it as a piece of confidential information that it was. And there were other who poked fun at my age. I felt treated differently because of my age.

Failure to stop the retaliation, the discrimination I was subjected to, and failure to accommodate my request concerning my disability, resulted in me having a nervous breakdown, becoming extremely depressed, and highly stressed – especially after someone went into the employee parking garage and damaged my vehicle. I had to take a few months off from work and when I decided not to allow my coworkers to take the job that worked so hard to land

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Michelle Ibanez**
5320 N. Sheridan #807
Chicago, IL 60640

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



*On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

440-2021-02625

Eva Baran,
Investigator

(312) 872-9681**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman/eh

5/19/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc: **HINES**

c/o Mr. Jay Bennett
Employee Relations Manager
2800 Post Oak Boulevard
Houston, TX 77056

AMENDED

Case No: 1:21-CV-04336

job and when I returned to work in February, Mike Hochauer and Jay Bennett swiftly terminated me just days after I returned.